

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

DEPOSITION DESIGNATION/EXHIBIT DISPUTES

Counsel for the parties have been meeting-and-conferring in an effort to resolve their objections to each other's deposition designations and exhibits. The parties have been unable to resolve all of Singular's objections to certain designations Google has identified and counter designations Singular has identified from the transcript of the deposition of Michael Holzrichter who was involved in evaluating Dr. Bates' S1. The transcript is attached hereto as Exhibit A with Google's designations highlighted in blue, Singular's counter designations highlighted in orange, and Google's counter designations to Singular's counter designations highlighted in green.

A. Singular's Objections to Holzrichter's Deposition Designation

Singular objects to certain designations in Exhibit A hereto from the deposition of Michael Holzrichter. Singular makes the following objections:

1. 38:16-21

Singular objects to this designation because they were not previously disclosed. Singular was not aware of this designation until Google provided its final designations on January 9, 2024.

Google's Response: These designations provide further context to the jury as to the testimony Google designated previously, and Singular offers no reason why it would be prejudiced by Google's designations.

2. 39:2-7

Singular objects to this designation because they were not previously disclosed. Singular was not aware of this designation until Google provided its final designations on January 9, 2024.

Google's Response: These designations provide further context to the jury as to the testimony Google designated previously, and Singular offers no reason why it would be prejudiced by Google's designations.

3. 39:9-12

Singular objects to this designation because they were not previously disclosed. Singular was not aware of this designation until Google provided its final designations on January 9, 2024.

Google's Response: These designations provide further context to the jury as to the testimony Google designated previously, and Singular offers no reason why it would be prejudiced by Google's designations. These lines contain the answer to the question that Google designated at 39:5-7.

4. 44:8-10

Singular objects to this designation because they were not previously disclosed. Singular was not aware of this designation until Google provided its final designations on January 9, 2024.

Google's Response: This testimony is a counter designation to the counter designations that Singular disclosed on January 9, 2024. This designation fills the gap between Singular's designation at 44:1-7 and 44:11-17, which omits part of Mr. Holzrichter's answer.

5. 68:14-69:1

Singular objects to this designation as irrelevant. Singular also objects to this designation because they were not previously disclosed. Singular was not aware of this designation until Google provided its final designations on January 9, 2024. Singular further objects at lines 68:10-13 are not a question and just statements by the questioning attorney.

Google's Response: These designations provide further context to the jury as to the testimony Google designated previously, and Singular offers no reason why it would be prejudiced by Google's designations. Google's designation provides additional context about the S1 and background on Ex. 1076, which was previously admitted, and the technology more generally, which has been the subject of already admitted evidence.

The disclosed testimony relates to the S1's memory compared to other processors. Google has *not* designated 68:10-13, which Singular objects to as statements by attorneys.

6. 15:16-16:12

Singular objects to this designation as irrelevant. Singular also objects to this designation because they were not previously disclosed. Singular was not aware of this designation until Google provided its final designations on January 9, 2024.

Google's Response: These designations provide further context to the jury as to the testimony Google designated previously, including background about the witness and Ex. 1076, which was previously admitted. Singular offers no reason why it would be prejudiced by Google's designations.

Respectfully submitted,

Dated: January 10, 2024

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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed